

Serial No.: 10/737,282
Attorney Docket No.: F-748

Patent

REMARKS

1. Status of Claims

Claims 1-27 were pending in the Application. Applicants have amended claims 1, 9, 11, 19-20 and 27 and canceled claims 2-3 without prejudice or disclaimer. Applicants respectfully request entry of the above amendments and consideration of the enclosed remarks. Applicants submit that no new matter is added. Accordingly, claims 1 and 4-27 will remain pending in the application.

2. Rejections under 35 USC § 102(b)

In section 2 of the Office Action, the Examiner rejected Claims 1-6, 11-16 and 20-24 under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Patent No. 6,267,465 to Sawicki, et al. ("Sawicki '465").

Applicants respectfully traverse the rejection.

However, solely in order to expedite prosecution, Applicants have amended claims 1, 11 and 20 and canceled claims 2-3 and the rejection is moot.

Applicants respectfully submit that Sawicki '465 does not teach or suggest:

wherein the ink tray assembly includes:
a tray having an opening; and
an absorbent pad held in the tray under the cover membrane;
a vapor permeable cover membrane sealed across the
opening of the tray; and
a hole in the cover membrane for sealing to a port of the purge
unit.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 1-6, 11-16 and 20-24.

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3. Rejections under 35 USC § 103(a)

In section 4 of the Office Action, the Examiner rejected Claims 7, 17 and 25 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,267,465 to Sawicki, et al. ("Sawicki '465") in view of apparent official notice.

Applicants respectfully traverse the rejection. Applicants respectfully submit that the cited references are not properly combined. Applicants respectfully submit that it is not clear that the entire element "wherein the cover membrane includes at least one of polypropylene and polyethylene" and accordingly Applicants dispute the official notice.

Furthermore, there is no motivation to combine the references. For example, Sawicki '465 does not appreciate a need for a different type of cover. Applicants respectfully submit that the Examiner is using impermissible hindsight and the instant application as a roadmap to impermissibly combine the references.

However, solely in order to expedite prosecution, Applicants have amended claims 1, 11 and 20 and the rejection is moot.

Applicants respectfully submit that the claims are patentable for at least the same reason as described above with respect to the applicable independent claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 7, 17 and 25.

In section 5 of the Office Action, the Examiner rejected Claims 9, 10, 19 and 27 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,267,465 to Sawicki, et al. ("Sawicki '465") in view of U.S. Patent No. 5,984,450 to Becker, et al. ("Becker '450").

Applicants respectfully traverse the rejection. Applicants respectfully submit that the cited references are not properly combined. There is no motivation to combine the references. For example, Becker '450 does not deal with ink tray assemblies and Sawicki '465 does not appreciate a need for a different type of cover.

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Applicants respectfully submit that the Examiner is using impermissible hindsight and the instant application as a roadmap to impermissibly combine the references.

However, solely in order to expedite prosecution, Applicants have amended claims 1, 9, 11, 19, 20 and 27 and the rejection is moot.

Applicants respectfully submit that the claims are patentable for at least the same reason as described above with respect to the applicable independent claims.

Furthermore, with regard to claims 9, 10, 19 and 27, even if properly combined, the cited references do not teach vapor evaporating through a membrane.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 9, 10, 19 and 27.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection and submit that the invention as presently claimed in claims 7, 9-10, 17, 19, 25 and 27 is patentable and in condition for allowance.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection and submit that the invention as presently claimed in claims 1 and 4-27 is patentable and in condition for allowance.

4. Conclusion Of Remarks

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

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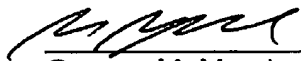
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5. Authorization

No fee is believed due with this Amendment. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-748.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-748.

Respectfully submitted,



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